Patent US 105C2
Attorney Docket: 612,404-423

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Heller, Michael, et al.

Serial No.: Not yet assigned

Filed: Submitted herewith

For: METHODS FOR ELECTRONIC FLUORESCENT PERTURBATION FOR ANALYSIS AND ELECTRONIC PERTURBATION ANALYSIS FOR SYNTHESIS

Group Art Unit: Not yet assigned

INFORMATION DISCLOSURE STATEMENT

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO–1449. In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO–1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in prior Application Serial Nos. 09/496,864, 08/855,058, and 08/534,454 for which a claim for priority under 35 U.S.C. §120 has been made in the instant application. Accordingly, Applicants will provide duplicate copies in respect of the present case only if the Examiner so desires.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent,

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☒ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

Statement Under 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after

making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

☐ A check in the amount of _____ is enclosed for the above fee(s).

☐ Please charge _____ to Deposit Account No. **50-0639** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to O'MELVENY & MYER'S Deposit Account No.**50-0639**.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: July 18, 2003

By: _____
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 4

Complete if Known	
Application Number	Not Yet Assigned
Filing Date	herewith
First Named Inventor	Michael J. Heller et al.
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	612404-423 (US 105C2)

Examiner Initials *	U.S. Patent Document Number	Kind Code[2] (*if known*)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	US-3,950,738		Hayashi et al	04/13/76	
	US-3,995,190		Salgo	11/30/76	
	US-4,225,410		Pace	09/30/80	
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	US-5,593,838		Zanzucchi et al	01/14/97	
	US-5,605,662		Heller et al	02/25/97	
	US-5,632,957		Heller et al	05/27/97	
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	US-6,048,690		Heller et al	04/11/00	
	US-6,054,270		Southern	04/25/00	

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	EP	0228075	B1	Datagupta et al	04/03/91		
	GB	2247889	A	Stanley	03/18/92		
	UK	2156074		Palva et al.	10/85		
	WO	86/03782	A1	Malcolm et al	07/03/86		
	WO	88/08528	A1	Stanbro et al	11/03/88		
	WO	89/01159	A1	Cornell et al	02/09/89		
	WO	90/01564	A1	Adams et al	02/22/90		
	WO	96/01836	A1	Heller et al	01/25/96		
	WO	96/07917	A1	Heller et al	03/14/96		
	WO	97/12030	A1	Heller et al	04/03/97		
	WO	98/01758		Kovacs	01/98		

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	SOUTHERN et al, Analyzing & Comparing Nucleic Acid Sequences By Hybridization To Arrays Of Oligonucleotides Evaluation Using Experimental Models, Genomics, 13, 1992, 1008-1017.	
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Examiner Signature	Date Considered

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